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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Peter T. Santilli,

Defendant.

2:16-cr-00046-GMN-PAL

**Response to Defendant's
Santilli's Sentencing
Memorandum**

The United States responds to defendant Santilli's sentencing memorandum. ECF No. 3327. The United States asks the Court to follow the parties' recommendation in the plea agreement that the defendant be sentenced to time served and to three years supervised release. But the government disagrees with the defendant's watered-down version of his involvement in the offense.

1 The defendant's diluted version omits that he intentionally used force
2 to help the Bundy's interfere with the BLM cattle impoundment. To be sure,
3 he merely says that after he arrived in Bunkerville, he "noticed vehicles
4 traveling out in the desert which caused him to travel to the area with his
5 video camera" . . . and that "[h]is actions blocked the pathway of government
6 vehicles exiting the area." *Id.* at 2.

7 But in his plea agreement, Santilli admits that he intentionally used
8 force against the BLM. Specifically, he admits that he drove his car straight
9 towards a moving BLM vehicle intending to block a BLM convoy, and that
10 after he stopped the convoy, he refused to move his car when first ordered to
11 do so. Santilli's factual admissions in his plea agreement are set forth below.

- 12 2. Defendant Santilli knew that Cliven Bundy and his sons, Ammon,
13 Dave, Mel, and Ryan, (collectively, "the Bundys"), and others
14 associated with them, planned to thwart, impede and interfere with
15 impoundment operations.
- 16 3. On April 9, 2014, Defendant Santilli used force to prevent officers from
17 discharging their duties by using his vehicle to block BLM law
18 enforcement officers and civilian employees as they were performing
19 their duties related to the impoundment.
- 20 4. Defendant Santilli drove his vehicle straight toward a BLM law
21 enforcement officer's vehicle, preventing the officer and the rest of the
22 convoy behind him from being able to move forward.
- 23 5. The officer ordered Defendant Santilli to move out of the way but
 Defendant Santilli continued to block the convoy's path. Defendant
 Santilli finally reversed his vehicle out of the path of the convoy only
 after the officer repeated the command several times.
6. By using force to block the convoy, Defendant Santilli allowed others to
 surround the convoy and threaten the occupants of the vehicles by

1 force violence and fear, inducing the officers to leave the place where
2 their duties were required to be performed.

3 ECF No. 2638 at 4-5.

4 Santilli's actions permitted Bundy followers to violently surround and
5 confront the BLM. He enabled Ammon Bundy to drive his ATV into a moving
6 dump truck, Bundy family and followers to step in front of moving BLM
7 vehicles and to yell and jab at BLM officers, and one follower to pick up a
8 large rock to throw at BLM and would have done so but for the cool-headed
9 officer who grabbed the person's cocked armed and hand holding the rock.
10 Things could have ended much worse.

11
12 Based on the terms of the plea agreement, the government asks the
13 Court to sentence Santilli to time served and to three years of supervised
14 release.

15 DAYLE ELIESON
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17 */s/ Daniel R. Schiess*

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CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **Response to Defendant Santilli's Sentencing Memorandum (ECF No. 3327)** was served upon counsel of record, via Electronic Case Filing (ECF).

DATED this 5th day of September, 2018.

/s/ Daniel R. Schiess

DANIEL R. SCHIESS
Assistant United States Attorney